

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert A. Holton et al.

Art Unit 1625

Serial No. 09/978,436

Filed October 16, 2001

Confirmation No. 5339

For **RADIOSENSITIZING TAXANES AND THEIR PHARMACEUTICAL
PREPARATIONS**

Examiner Ba K. Trinh

TECH CENTER 1600/2800

APR 09 2003

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DECLARATION

I, Kurt G. Hofer, declare as follows:

1. I am not a co-inventor of the subject matter which is the subject of this patent application.
2. I agree with the requested correction of inventorship from Robert A. Holton, Hossain Nadizadeh, Kurt G. Hofer and Li-Xi Yang as joint inventors to Robert A. Holton, Hossain Nadizadeh and Li-Xi Yang as joint inventors.
3. The inventorship error of naming myself as a co-inventor in this patent application occurred without any deceptive intention on my part.
4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.


Kurt G. Hofer

03/18/03
Date



Attorney's Docket No.: FSUM 1055411

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RADIOSENSITIZING TAXANES AND THEIR PHARMACEUTICAL PREPARATIONS
the specification of which:

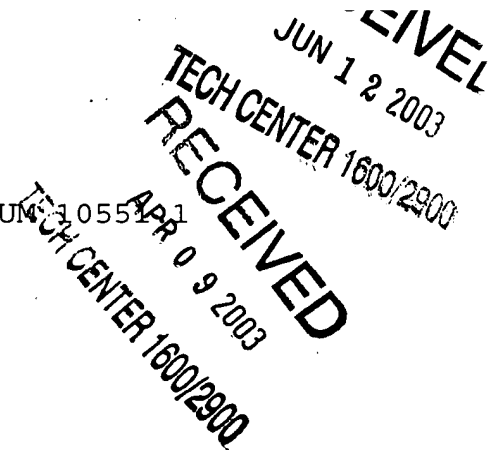
(check one)

- ☐ is attached hereto
☒ was filed on 10/16/2001 as Application Serial No. 09/978,436, and was amended on 7/12/2002.
☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.



PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
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CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>60/003,687</u> (Application Number)	<u>9/13/1995</u> (Filing Date)
_____ (Application Number)	_____ (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/723,719
(Serial No.)

11/28/2000
(Filing Date)

abandoned
(Status)

09/129,647
(Serial No.)

08/05/1998
(Filing Date)

abandoned
(Status)

08/710,240
(Serial No.)

09/13/1996
(Filing Date)

abandoned
(Status)

or
11/2003

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), Richard L. Bridge (40,529), Christopher M. Goff (41,785), Derick E. Allen (43,468), Michael G. Munsell (43,820), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Kathryn J. Doty (40,593), James J. Barta, Jr. (47,409), James E. Davis (47,516), Richard A. Schuth (47,929), Jennifer E. Hoekel (48,330), Timothy B. McBride (47,781), David L. Howard (41,502), Andrew N. Claerbout (50,202), Thomas F. Maloney (50,156), James D. Harper (51,781), Jeffrey S. Ellsworth (51,650), Patricia K. Fitzsimmons (P-52,894) and Kofi Adzangli (P-52,545), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's signature  Date 3/18/03

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